

Roosevelt Sims,)
)
 Movant,)
)
 vs.) No. 05-0217-CV-W-FJG
) Crim. No. 04-0161-01-CR-W-FJG
 United States of America,)
)
 Respondent.)

v. Fretwell, 506 U.S. 364 (1993). Even if counsel's actions are professionally unreasonable, it may not warrant setting aside the judgment if the error had no effect on the judgment.

JUDGMENT

The Court has reviewed movant's motion (Doc. #4), respondent's opposition (Doc. #7, filed May 2, 2005, and Doc. #13, filed February 8, 2006), and movant's reply thereto (Doc. #9, filed May 31, 2005, and Doc. #15, filed March 6, 2006), and finds that movant's allegations are without merit. Respondent's opposition (Doc. #13) presents a thorough legal analysis of the issues raised by movant. This Court adopts and incorporates by reference herein that analysis as its own.

For the aforesaid reasons movant's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 (Doc. #4), filed March 31, 2005, is hereby denied.

No evidentiary hearing will be held in this matter because the issues raised are resolvable by the record.

/s/Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr.
United States District Judge

Dated: March 15, 2006
Kansas City, Missouri